

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor :	Scott Meredith et al.	
Appln. No.:	10/796,644	
Filed :	March 9, 2004	Group Art Unit: 2167
For :	COMPRESSION OF LOGS OF LANGUAGE DATA	Examiner: Kimberly Lovel
Docket No.:	M61.12-0602	

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

**Electronically Filed on
November 9, 2007**

This is in response to the Office Action mailed on August 9, 2007. In the Office Action, claims 1-12 and 14-24 were rejected. With this response, no claims are amended and all claims are presented for reconsideration and allowance.

Section Five of the Office Action indicated that claims 1-6, 9-12, 14-18 and 21-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,584,464 to Warthen in view of U.S. PGPub 2004/0199498 to Kapur et al. (hereinafter Kapur) in view of U.S. PGPub 2004/0243568 to Wang et al. (hereinafter Wang). Additionally, Section Six of the Office Action indicated that claims 7, 8, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Warthen/Kapur/Wang as applied to claims 1 and 14, and further in view of U.S. Patent 6,493,721 to Getchius et al. (hereinafter Getchius). Accordingly, Applicants respectfully note that the rejection of each and every claim relies, at least in part, upon a combination that requires the Wang reference. Applicants respectfully disqualify the Wang reference as prior art as set forth below.

Applicants respectfully note that Section 706.02(I)(1) of the Manual of Patent Examining Procedure relates to rejections under 35 U.S.C. §103(a) and prior art disqualification under 35 U.S.C. §103(c). Specifically, "Subject matter developed by another person, which

qualifies as prior art only under one or more of subsections (e), (f), and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Applicants respectfully note that the Wang reference has a publication date of December 2, 2004, which is subsequent to the filing date of the current application (March 9, 2004). Further still, the parent application of the published Wang divisional application is now U.S. Patent 6,766,320 and that patent has an issue date of July 20, 2004, which is also subsequent to the filing date of the current application. Accordingly, neither the published Wang divisional application or the Wang parent patent published prior to the filing of the current application. Accordingly, Applicants respectfully submit that neither the Wang published divisional application or the Wang parent patent can serve as prior art under 35 U.S.C. §102(a) or (b).

The next question then becomes whether the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Quite clearly, U.S. Patent Publication 2004/0243568 A1 is a divisional of the application that resulted in U.S. Patent 6,766,320. That parent application was assigned to Microsoft Corporation, which assignment is recorded at Reel 011651, Frame 0901. Additionally, the divisional application itself consistently lists Microsoft Corporation as an applicant. Further still, a Request for Corrected Filing Receipt was filed in divisional application 10/806,789 requesting that the filing receipt list the “Assignment for Published Patent Application Microsoft Corporation.” Accordingly, Applicants respectfully believe that both the published divisional application and the parent patent are either owned or subject to an obligation of assignment to Microsoft Corporation. Further, Applicants respectfully note that the current application was assigned to Microsoft Corporation and recorded on March 9, 2004 at Reel 015067, Frame 0122. Therefore, Applicants respectfully submit that the Wang reference and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person and that 35 U.S.C. §103(c) has been properly invoked to disqualify the Wang published application as prior art.


Thus, all of the rejections in this application may now be withdrawn. Additionally, Applicants respectfully note that §706.02(I)(3) provides, "If a statement of common ownership or assignment is filed in reply to the 35 U.S.C. §102(e)/103 rejection and the claims are not amended, the Examiner may not make the next Office action final if a new rejection is made."

In conclusion, Applicants respectfully submit that the entire application is now in condition for allowance. Reconsideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Christopher R. Christenson No. 42,413
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

CRC:sew